

PS 5140.37 UNESCORTED TRANSFERS AND VOLUNTARY SURRENDERS



Program Statement

OPI: CPD
NUMBER: 5140.37
DATE: 1/31/2003
SUBJECT: Unescorted Transfers
and Voluntary
Surrenders

1. PURPOSE AND SCOPE §522.30. [When the court orders or recommends an unescorted commitment to a Bureau of Prisons institution, the Bureau of Prisons authorizes the commitment and designates the institution for service of sentence. The Bureau of Prisons also authorizes furlough transfers of inmates between Bureau of Prisons institutions or to nonfederal institutions in appropriate circumstances in accordance with 18 U.S.C. 3622 or 4082, and within the guidelines of the Bureau of Prisons policy on furloughs, which allows inmates to travel unescorted and to report voluntarily to an assigned institution.]

a. Title 18 U.S.C. § 4082 applies to inmates whose offense(s) occurred before November 1, 1987. For inmates whose offense(s) occurred on or after November 1, 1987, the statutory authority for furloughs is Title 18 U.S.C. § 3622 which was added by the Comprehensive Crime Control Act (CCCA).

b. In this Program Statement, unescorted commitments are referred to as **"voluntary surrenders."**

For identification purposes, the Bureau and the U.S. Marshals Service (USMS) use the Authorized Unescorted Commitments and Transfers card (BP-385). Instructions for completing the card are in Attachment A.

2. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Inmates will be moved between institutions expeditiously and cost effectively with regard for public safety.

[Bracketed Bold- Rules]

Regular Type - Implementing Information

b. Staff will be provided with the appropriate procedures when an inmate fails to report to a Federal institution, non-federal contract facility, or Community Corrections Center as a voluntary surrender or unescorted transfer.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 5140.28 Unescorted Transfers and Voluntary Surrenders
(12/9/96)

b. Directives Referenced

PS 1490.06 Victim and Witness Notification (5/23/02)
PS 5100.07 Security Designation and Custody
Classification Manual (9/3/99)
PS 5280.08 Furloughs (2/4/98)
PS 5500.09 Correctional Services Manual (10/27/97)
PS 5553.06 Escapes/Deaths Notification (8/23/99)
PS 6000.05 Health Services Manual (9/15/96)
PS 7300.09 Community Corrections Manual (1/12/98)

c. Rules cited in this Program Statement are contained in 28 CFR 522.30.

4. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4093.

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-1E-02.

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-1E-04.

5. PROCESSING PROCEDURES

a. Voluntary Surrenders

(1) When a court orders or recommends a voluntary surrender commitment, the USMS will notify the appropriate Community Corrections Manager (CCM), who will request designation from the appropriate Regional Designator.

(2) After the designation has been completed, the USMS or CCM will forward the following material immediately to the designated institution:

- Certified copy of the Judgment and Commitment Order (J&C);
- Authorized Unescorted Commitments and Transfers card (BP-385) with recent photograph attached;
- SENTRY security designation;
- Individual Custody and Detention Report (USM-129);
- Presentence Investigation Report or pre/post sentencing report, if available; and
- Supervised release violation report, if applicable.

(3) The institution will execute the J&C order upon receiving the inmate. The original executed J&C will be returned to the USMS in accordance with 18 U.S.C. § 3621(c).

b. Unescorted Transfer to a Federal Institution or Non-federal Contract Facility.

(1) The sending institution's unit staff will forward the following documents via certified mail to the receiving institution at least 14 working days prior to transfer:

- Original Transfer Order (BP-399);
- Authorized Unescorted Commitments and Transfers card (BP-385) with recent photograph attached;
- Medical Summary of Federal Prisoner/Alien in Transit (BP-659); and
- Copy of Furlough Application Approval and Record (BP-291) which includes the inmate's travel schedule.

(2) Unit staff will record in the Inmate's Central File the preparation and mailing of these documents and will ensure that these items are at the receiving institution before the inmate's departure.

(3) After the inmate departs the institution, ISM staff will make telephonic notification to the receiving institution and document the following in the J&C file:

- date and time of contact;
- name of staff member contacted; and
- name of staff member making contact.

(4) If unable to reach staff, the GroupWise Mail System (GMS) will be used.

(5) All files (J&C, Inmate Central File, Health Care Record, etc.) will remain at the sending institution until the receiving institution staff notifies the sending institution or SENTRY confirms the inmate's arrival. ISM staff will forward the files immediately via certified mail.

c. Unescorted Transfer to a Community Corrections Center (CCC) or Community Based Program.

(1) Sending institution unit staff will send the following documents by certified mail to the designated CCC at least two weeks prior to transfer:

- Authorized Unescorted Commitments and Transfers card (BP-385), with recent photograph attached;
- Copy of Furlough Application Approval and Record (BP-291), which includes the inmate's travel schedule;
- Original Transfer Order (BP-399); and
- Receipt of facility rules and regulations and signed subsistence agreement, if applicable.

(2) The unit team will ensure SENTRY drug, parole hearing, and custody level assignments are accurate.

(3) The sending institution Inmate Systems Manager (ISM) will monitor SENTRY to confirm the inmate's arrival at the CCC or community based program. The CCM will admit the inmate to the receiving facility in SENTRY on the day of arrival or the next work day if it occurs after normal business hours. If SENTRY is inoperable, the ISM must be notified either by GMS or telephonically.

(4) Within 24 hours of confirmation of the inmate's arrival at the CCC or community based program, ISM staff will forward all required release paperwork, completed insofar as possible by unit staff and reviewed by the ISM or Assistant ISM for accuracy.

6. FAILURE TO REPORT. If a voluntary surrender or unescorted transfer fails to report as instructed, the following procedures apply:

a. Voluntary Surrenders.

(1) The designated institution ISM will notify the USMS from the committing district by telephone when a voluntary surrender fails to arrive on the designated date. This notification will be made by the end on the workday of the

scheduled date of arrival and will be documented in the intake folder. This record will include:

- date and time of contact;
- name of staff member contacted; and
- name of staff member making contact.

(2) Any problem and/or question arising from the inmate, such as a request for a delay in reporting, must be referred to the USMS from the committing district and documented as noted above.

b. **Unescorted Transfer to a Federal Institution or Non-federal Contract Facility.** The receiving institution ISM or designee at contract facility will notify the sending institution ISM of the inmate's failure to report as directed. The sending institution will complete the tasks specified in Section 6.d.

c. **Unescorted Transfer to a CCC or Community Based Program.** CCC staff or appropriate official will notify the CCM within 24 hours of an inmate's failure to arrive as directed. The CCM will in turn notify the sending institution. The sending institution will complete the tasks specified in Section 6.d.

d. **Sending Institution Responsibilities.** If an inmate, on an unescorted transfer, fails to report as directed, staff of the sending institution will:

- Retain the inmate's files;
- Update SENTRY to indicate the change in release status from "unescorted transfer" to "escape;"
- Make the inmate's sentence computation inoperative as of the date following the escape;
- Write an incident report and conduct a disciplinary hearing in absentia;
- Notify all parties as required in the Program Statement on **Escapes/Death Notification**; and
- Notify all parties as required in the Program Statement on **Victim and Witness Notification**, if applicable.

/s/

Kathleen Hawk Sawyer
Director

Instructions for Completing the BP-385

This form is self-explanatory. A breakdown of the elements that may cause confusion are listed below:

AUTHORIZED BY: The title and signature of the authorizing official.

DOJ MNEMONIC: The mnemonic code, as established for the JUSTICE teletype system, will be used as the standard for abbreviating agency facilities and offices.

NAME OF PRISONER: This is the committed name as it appears on the Judgment and Commitment Order.

REPORT DATE: This is the date the prisoner is scheduled to report. This item is essential and must always be completed. Space has been provided for numeric entries, e.g., August 1, 1990 would be written 08-01-90.

REPORT TO: This identifies the receiving institution. The DOJ mnemonic code for the facility must be used. For transfers and commitments to Community Corrections Centers, the facility location must be used.

PHOTOGRAPH: An updated photograph of the prisoner must be attached in this block.

FINGERPRINT BLOCKS: Two blocks for fingerprints are provided. The discharging authority will take a rolled print of the prisoner's right thumb. If, because of amputation or injury, it becomes necessary to use a finger other than the thumb, the finger used will be identified in the block. Upon arrival of the prisoner, the receiving facility will take a rolled print of the right thumb or identified finger and make a visual comparison with the rolled print taken by the discharging facility to confirm the identity of the prisoner. The staff members performing these functions will complete the required information in the space provided.